

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:
	:
-v-	19-CR-625 (JMF)
	:
ROBERT WILSON,	:
KEVIN CROSBY, and	:
MARQUIS YOHANIS,	:
	:
Defendants.	:
	:
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JESSE M. FURMAN, United States District Judge:

On May 11, 2022, the Court began a *Fatico* hearing as to Defendant Robert Wilson that is to be continued on June 9, 2022, at 9:30 a.m. At the hearing, counsel for Kevin Crosby represented that, if called as a witness by Mr. Wilson, Mr. Crosby would invoke the Fifth Amendment. The Court was advised that Mr. Yohanis — whose counsel was not present — had not decided whether to invoke the Fifth Amendment. The Court directed the parties to submit briefing on the validity and scope of any privilege assertions and invited counsel for Mr. Crosby and Mr. Yohanis to be heard as well. *See* ECF No. 223. In accordance with the Court's Order, Mr. Wilson and the Government have filed letter briefs. *See* ECF Nos. 228-29. Neither Mr. Crosby nor Mr. Yohanis filed anything.

Upon review of the parties' letters, the Court finds, substantially for the reasons proffered by the Government, *see* ECF No. 229, that (1) Kevin Crosby has, and Marquis Yohanis would have, a valid basis to invoke the Fifth Amendment privilege to decline to answer questions about their participation in the murder of Nelson Ramos; and (2) if Yohanis chooses to waive his Fifth Amendment right by testifying, that waiver will extend to all proper lines of cross-examination by the Government, including cross-examination about motive, bias, interest, and competing narratives about what occurred during the planning and execution of the murder of Nelson Ramos.

In light of the foregoing, Mr. Yohanis's counsel is directed to confer with his client and, no later than **May 31, 2022**, file a letter advising whether his client would invoke the Fifth Amendment if called as a witness by Mr. Wilson. If counsel represents that Mr. Yohanis would invoke, neither Mr. Yohanis nor his counsel need appear on June 9, 2022, unless and until the Court orders otherwise. If Mr. Yohanis is prepared to testify (or has not made up his mind as of May 31, 2022), the Government shall arrange for Mr. Yohanis to be produced for the purpose of testifying on June 9, 2022 at 9:30 a.m., and counsel for Mr. Yohanis shall appear on that date as well. Given the prior representations of counsel for Mr. Crosby, neither Mr. Crosby nor his counsel need appear on June 9, 2022, unless and until the Court orders otherwise.

The Clerk of Court is directed to terminate ECF No. 228.

SO ORDERED.

Dated: May 20, 2022  
New York, New York



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ESSE M. FURMAN  
United States District Judge